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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002364

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SUBJECT: CODELS BIDEN AND WELDON DISCUSS CONSTITUTION
PROGRESS WITH IRAQI CONSTITUTIONAL COMMITTEE CHAIRMAN

Classified By: Acting Political Counselor Henry Ensher.
Reasons 1.4 (B) and (D)

1. (C/NF) Summary. Transitional National Assembly (TNA) Constitutional Committee chairman Shaykh Humam al-Hammudi apprised CODELS Biden and Weldon of the status of the constitutional process May 30. Al-Hammudi said the committee expected to make a decision on how to include Sunnis at its June 2 meeting, either by allowing various Sunni groups to choose "influential" Sunnis or to hold political caucuses in under-represented governorates. A 7-person committee led by Constitutional Committee deputy-chair Adnan al-Janabi is reaching out to the Sunnis and consolidating views. Al-Hammudi also noted that dividing the committee into thematic sub-committees would help them meet the August 15 deadline, as would using the TAL as a starting point. End Summary.

2. (C/NF) CODELS Biden and Weldon on May 30 met with the TNA Constitutional Committee chairman and Supreme Council for the Islamic Revolution in Iraq (SCIRI) deputy Shaykh Humam al-Hammudi to discuss progress on Sunni inclusion and the constitution. This was al-Hammudi's first meeting with a congressional delegation.

3. (C/NF) Al-Hammudi stressed the principles that would guide Iraqis in drafting their constitution - democracy, pluralism, and federalism. He added that Iraq would operate according to the rule of law and would consider Islam the state religion, while providing freedom for other religions, and would respect the role of women. The constitution committee would face the arduous task of putting these principles into details, but Hammudi thanked the UN and other organizations for providing information that would assist the process.

4. (C/NF) Regarding Sunni inclusion in the constitutional process, Al-Hammudi noted that the constitutional committee was looking at two different ways in which to add Sunnis to the committee. The first is to add 13-15 "influential" Sunnis to the already existing 55 members. The second would be to hold partial elections for 13-15 representatives from the various under-represented governorates. While al-Hammudi acknowledged the second approach is more democratic, he feared it would require too much time. Al-Hammudi assured the CODEL that the committee would accept whomever the Sunnis choose in either approach and described a 7-person committee of constitutional committee members, led by deputy chairman Adnan al-Janabi who is taking the lead on reaching out to Sunnis to see how the Sunnis want to choose their representatives. Al-Hammudi also noted the constitutional committee would make a final decision on which approach to take on June 2.

5. (C/NF) In response to Senator Biden's question of whether Sunnis would be accorded "voting rights" on the committee, Al-Hammudi indicated the committee's decisions would be conducted on the basis of "tawafaq". (Note: Al-Hammudi preferred to translate this word as "middle ground" rather than "consensus" or "agreement". End Note.) Al-Hammudi also noted that unofficial Sunni representatives will be participating in the process while they are choosing the official Sunni members. Senator Biden expressed that the Shia were expressing the marks of "true statesmen" in reaching out to Sunnis, especially as they were the ones to risk their lives by voting in the elections. Al-Hammudi responded that Iraq is not like Pakistan, in which there are genuine divisions and problems between Sunni and Shia.

6. (C/NF) Rep. Mark Green asked al-Hammudi whether he thought Arabic would be the only recognized language in the new constitution. Al-Hammudi responded that Arabic had been considered the only official language in the past; however, TAL recognized both Arabic and Kurdish as Iraq's official languages. Al-Hammudi

noted that it remains to be seen what the committee and TNA will choose on this topic.

17. (C/NF) On Rep. Green's question of the status of Ba'thists' ability to participate in government, Hammudi said only criminals and high-level Ba'thists would be prevented from serving in government, according to the de-Ba'thification policy.

18. (C/NF) Members of the CODEL asked about progress towards achieving the August 15 deadline. Al-Hammudi responded that the constitutional committee will be divided into sub-committees to enable them to tackle various constitutional topics expeditiously. In addition, al-Hammudi hoped the committee would use the TAL, an already established common reference point as the starting point for the constitution, which would also speed up the process.

19. (U) REO HILLA, REO BASRA, REO MOSUL, and REO KIRKUK minimize considered.
Jeffrey